

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

.....X
BLOCKCHAIN MINING SUPPLY AND
SERVICES LTD.,

No. 18-CV-11099-ALC-BCM

Plaintiff,

-against-

DIGITAL FARMS, INC. (F/K/A/ SUPER
CRYPTO MINING, INC.) and DPW HOLDINGS, INC.,

Defendants.
.....X

NOTICE OF MOTION

PLEASE TAKE NOTICE that, pursuant to Rules 12(b)(2) and 12(b)(6) of the Federal Rules of Civil Procedure (“FRCP”), upon the accompanying Declaration of Robert B. Volynsky, Esq., dated April 13, 2020, and upon the accompanying Memorandum of Law, and upon all prior proceedings, pleadings, and filings in the above-captioned action, Defendants Digital Farms, Inc. (f/k/a Super Crypto Mining, Inc.) (“Super Crypto”) and DPW Holdings, Inc. (“DPW” and with “Super Crypto” collectively, “Defendants”) shall move this Court at the United States Courthouse for the Southern District of New York, 40 Foley Square, Courtroom 435, New York, New York 10007, before the Honorable Andrew L. Carter, Jr., United States District Judge for an Order: (i) dismissing the Complaint in its entirety against Defendant DPW pursuant to FRCP 12(b)(2), with prejudice, for lack of jurisdiction or, alternatively dismissing the Complaint in its entirety against Defendant DPW pursuant to FRCP 12(b)(6), with prejudice, for failure to state a claim upon which relief can be granted; (ii) dismissing the Second Cause of Action (Promissory Estoppel) against Defendant Super Crypto pursuant to FRCP 12(b)(6), with prejudice, for failure to state a claim upon which relief can be granted; (iii) and for such further and other relief that the Court may deem just and proper.

* * *

Dated: April 13, 2020
New York, New York

Respectfully submitted,

WELTZ KAKOS GERBI WOLINETZ
VOLYNSKY LLP

By: /s/ Robert Volynsky
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